

### **REMARKS**

Claims 1, 2, 4-8, 10-12, 17-21, 23, 24, 27, 28 and 33-48 are now pending in the application. Claims 1, 171, 24, 39, 42, and 46 are amended and Claims 47 and 48 are added by this amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **APPLICANT INITIATED INTERVIEW SUMMARY**

Applicants thank the Examiner for the interview granted with Applicants' representative on March 18, 2008. During the interview, Claims 1, 39, and 42 were specifically discussed with the Examiner. During the interview with the Examiner, the Examiner agreed that amendments to the claims regarding "pistol grip" and other features relating to a support for the advancer should place the claims in condition for allowance in light of the art cited in the rejections.

The Examiner further indicated that support for "pistol" grip, handheld, and similar features was found in the application as filed, for example in Figs. 3, 4, and 6 and the associated paragraphs (e.g. paragraphs 33-36). Applicants further submit that paragraphs 44-46 support similar features.

The Examiner also agreed to contact Applicants' representative prior to the mailing of any further office actions, if the claims as presently amended are not in condition for allowance.

### **REJECTION UNDER 35 U.S.C. § 112**

Claims 1, 2, 4, 8, 10-12, 33-38 and 46 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

As noted above, Applicants' representative believes that an agreement was reached with the Examiner that these rejections are rendered moot because the application as filed fully support each of the prior amendments to the claims. For example, Applicants submit that support for the claims can be found in at least Figs. 3, 4, and 6 and paragraphs 33-36 and 44-46, in the application as filed.

### **REJECTIONS UNDER 35 U.S.C. § 103**

Claims 1, 2, 4-8, 10-12, 17-21, 23-24, 27, 33-38 and 39-46 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor et al. (U.S. Pat. No. 5,950,629) in view of Truwit (U.S. Pat. Pub. No. 2002/0019641). Claims 19 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Taylor et al. (U.S. Pat. No. 5,950,629) in view of Truwit (U.S. Pat. Pub. No. 2002/0019641) and Stark et al. (U.S. Pat. No. 5,823,975). These rejections are respectfully traversed.

As discussed above, under the Interview Summary, Applicants submit that the claims as amended are in condition for allowance in light of the art cited in the rejections.

Applicants have previously discussed the references cited in the rejections and incorporate by reference Applicants' previous Remarks regarding the references. Briefly, Taylor et al. is directed to a system for assisting in surgery. As illustrated in Fig.

1A, the assisting system is based on a platform or jig separate from the patient and is not handheld. Truwit is directed to trajectory guide and moving system. Stark et al. is directed to an orthopedic restraining device including a local monitoring system interconnected with a star nut.

Independent Claim 1 has been amended to recite "a pistol grip housing comprising: a handheld advancer assembly . . . and a thumb wheel advancer system." As discussed above, Applicants respectfully submit that support for a pistol grip can be found at least in Figs. 3 and 4 and the associated description in the application as filed. Therefore, Applicants respectfully submit that the amendment to independent Claim 1 does not add any new subject matter and is supported by the application as filed.

In addition, Applicants respectfully submit that a pistol grip housing is neither anticipated nor fairly rendered obvious by the art cited in the rejections. For example, as previously discussed, Taylor et al. is directed to a manipulator that can be manually or computer actuated. Truwit is directed to a trajectory guide and, either alone or in combination with Taylor et al., does not anticipate or fairly render obvious each of the elements of independent Claim 1. Therefore, independent Claim 1 is in condition for allowance. Specifically, Taylor et al. and Truwit fail to anticipate or render obvious, either alone or together, at least a pistol grip housing.

Independent Claim 17 has been amended to recite "a primary medical device; an introducer device associated with the trajectory guide and supported by a user, comprising: a guide unit . . . a holder assembly capable of receiving attachment of the primary medical device . . . a rotating wheel advancer . . . and an MR compatible cable." As discussed above, Applicants respectfully submit that at least "an introducer device

associated with the trajectory guide and supported by a user" is not anticipated or fairly rendered obvious by the art cited in the rejections. Taylor et al. and Truwit fail to anticipate or render obvious, either alone or together, at least an introducer device associated with the trajectory guide and supported by a user.

Applicants further submit that "an MR compatible cable", either alone or in combination with the other elements of independent Claim 17, is not anticipated or fairly rendered obvious by the art cited in the rejections. In addition, Applicants respectfully submit that Applicants have made no assertion of obviousness or admitted obviousness of a MR compatible cable in light of any prior art reference.

Independent Claim 24 has been amended to recite "a user supported housing attached to an adjusting wheel system including an adjusting wheel coupled locally to the guide unit." As discussed with the Examiner, Applicants respectfully submit that a user supported housing attached to an adjusting wheel is neither anticipated, nor fairly rendered obvious by the art cited in the rejections. In addition, Applicants respectfully submit that a user supported housing is supported by the application as filed, at least in Figs. 3 and 4 in the associated description thereof. At least Taylor et al. and Truwit fail to anticipate or render obvious, either alone or together, a user supported housing.

Independent Claim 39 has been amended to recite "supporting the wheel advancer by a user." As discussed above, positioning a wheel advancer supported by a user is supported by the application as filed. Moreover, as discussed with the Examiner, such a limitation is not anticipated or fairly rendered obvious by the art cited in the rejections. Specifically, Taylor et al. and Truwit fail to anticipate or render obvious, either alone or together, at least a guide unit supported by a user.

Independent Claim 42 has been amended to recite “an advancer assembly sized and configured to be supported in a single hand of a user.” As discussed above, an advancer assembly supported in a hand of a user, as recited in independent Claim 42, is supported by the application as filed. For example, paragraph 45 recites “the surgeon first unlocks the advancer by depressing the locking trigger 450. The primary medical device is then advanced into the patient by rotating the thumb wheel 430.” Applicants respectfully submit that amended independent Claim 42 is supported by the application as filed, and also, as discussed with the Examiner, not anticipated or fairly rendered obvious by the art cited in the rejections. Specifically, Taylor et al. and Truwit fail to anticipate or render obvious, either alone or together, at least an advancer assembly sized and configured to be supported in a single hand of a user.

Finally, independent Claim 46 has been amended to recite “a handheld advancer assembly supported by a user.” Independent Claim 46 further recites “a pistol grip portion operable to be held within a hand of the user; a thumb wheel advancer system connected to the pistol grip portion . . . a trigger member connected to the pistol grip portion.” Applicants respectfully submit that a handheld assembly supported by a user is not anticipated or fairly rendered obvious by the art cited in the rejections. Moreover, Applicants respectfully submit that a pistol grip portion operable to be held within the hand along with a thumb wheel advancer and a trigger member connected to the pistol grip portion is also not anticipated or fairly rendered obvious by the art cited in the rejections. Taylor et al. and Truwit fail to anticipate or render obvious, either alone or together, at least a handheld advancer assembly supported by a user.

Applicants respectfully submit, therefore, that each of the presently pending claims is in condition for allowance. In addition, Applicants respectfully submit that each of the amendments to the claims is supported by the application as filed, as discussed above. Therefore, Applicants respectfully request that the Examiner pass the present application to issuance at the Examiner's earliest convenience or contact Applicants' representative if each of the claims is not found to be in condition for allowance.

#### **NEW CLAIMS**

New Claims 47 and 48 both recite, "a pistol grip configured housing operable to be supported and held in a hand of a user including a first portion formed at an angle relative to a second portion." As discussed above, Applicants submit that such a recited configuration is both supported by the application as filed (at least in Figs. 3 and 4 and related description) and not anticipated or rendered obvious by the art cited in the rejections.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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